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8	UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA	
9	LASTERIVE	of Callionan
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11	LASHAWN BAREFIELD,	) CASE NO. CV-F-05-0633 AWI TAG
12	Plaintiff,	
13	V.	) ORDER FOR VOLUNTARY
14	CALIFORNIA STATE UNIVERSITY,	) DISMISSAL OF DOES ) DEFENDANTS ONLY
<ul><li>15</li><li>16</li></ul>	BAKERSFIELD, a California Public Entity, JIM GEORGE, an individual, DIANE HENDRICKSON, an individual, MARK MURIE, an individual, and DOES 1 through	
17	50, inclusive,	)
18	Defendants.	)
19		)
20	On August 18, 2006, the parties, through their counsel of record, stipulated to dismiss	
21	Defendants Does 1 through 50 inclusive in this matter.	
22	The parties appear to seek dismissal of the Doe Defendants pursuant to Rule 41(a) of the	
23	Federal Rules of Civil Procedure. Rule 41(a)(1), in relevant part, reads:	
24	an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs, or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action.	
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26	Unless otherwise stated in the notice of di without prejudice, except that a notice of	smissal or stipulation, the dismissal is
27	upon the merits when filed by a plaintiff v	
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1	the United States or of any state an action based on or including the same claim.	
2	Rule 41(a)(1)(ii) thus allows the parties to dismiss an action voluntarily, after service of an	
3	answer, by filing a written stipulation to dismiss signed by all of the parties who have appeared,	
4	although an oral stipulation in open court will also suffice. <u>Carter v. Beverly Hills Sav. &amp; Loan</u>	
5	<u>Asso.</u> , 884 F.2d 1186, 1191 (9th Cir. 1989); <u>Eitel v. McCool</u> , 782 F.2d 1470, 1472-73 (9th Cir.	
6	1986). Once the stipulation between the parties who have appeared is properly filed or made in	
7	open court, no order of the court is necessary to effectuate dismissal. Fed. R. Civ. Pro.	
8	41(a)(1)(ii); Eitel, 782 F.2d at 1473 n.4. Because Plaintiff has filed a stipulation for dismissal as	
9	to the Doe Defendants under Rule 41(a)(1)(ii) that is signed by all parties who have made an	
10	appearance, this matter has terminated against the Doe Defendants. See Fed. R. Civ. Pro.	
11	41(a)(1)(ii); <u>In re Wolf</u> , 842 F.2d at 466; <u>Gardiner</u> , 747 F.2d at 1189; <u>see also Gambale</u> , 377 F.3d	
12	at 139; Commercial Space Mgmt, 193 F.3d at 1077; cf. Wilson, 111 F.3d at 692.	
13	Therefore, IT IS HEREBY ORDERED that Defendants DOES 1 through 50, inclusive, as	
14	DISMISSED from this action in light of the parties' filed and signed Rule 41(a)(1)(ii) stipulation	
15	for dismissal.	
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17	IT IS SO ORDERED.	
18	Dated: August 23, 2006 /s/ Anthony W. Ishii UNITED STATES DISTRICT JUDGE	
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